THE NEWS OF NORFOLK ON PAGES TWO, THREE, AND FIVE.



Makes the food more delicious and wholesome

ON THE PRINCIPLE THAT POSSES.

stissed that there was no evidence which would have authorized the jury to find that the rupture was accidental, Affirmed.

The court says:

This is a petition filed before the cierk by plaintiffs, as administrators d. b. n. of Josiah Tysor, against the defendants, the widow and brother and sisters of said Josiah, for the purpose of said Josiah in the petition. The defendants, scrept the widow, answer and averable the Superior Court, "Vax the plaintiff's intestate seised and possessical in severalty of the lands described in the complaint at the time of his death?" his honor instructed the jury bat, if they believe the evidence, to saw of the lands described in the complaint at the time of his death? This honor instructed the jury bat, if they believe the evidence, to saw of the lands described in the complaint at the time of his death? The land in diagram of the constant of the co

FEDER V. IOWA S. T. M. ASS'N. Supreme Court of Iowa, February 4, 1899.

DEATH OF AN INSURED WILL NOT BE HELD ACCIDENTAL, IF MERELY RESULTS FROM A RUP-TURE OF AN ARTERY AS HE REACHES TO CLOSE THE SHUT- steamer now building has been change

RED, WHICH HE HAD NOT FORESEEN OR PLANNED, EXCEPT
THE RUPTURE.

This was a suit upon a certificate of insurance issued by defendant company to Louis Feder and providing for the payment of certain insurance in case of his death occurring from any accidental cause. The deceased was suffering from consumption and went to Denver and there resided for his health. One day while preparing to leave the office of his brothers he went to a window to close the shutters. A chair stood between him and the window, and he stood on his toes, reached to a window to close the shutters. A chair stood between him and the window, and he stood on his toes, reached over the chair towards the shutters, and as he did so a homorrhage occurred and he died in a few minutes. The cause of death was the rupture of an artery and the rupture was not due to his disease. There was no evidence that he fell, slipped or lost his balance. There was a judgment for the company and the plaintiff appealed. The court says:

There is no evidence whatever that he had not foresee that he for occurred the had not foresee that he had not foresee that he for occurred the had not foresee that he steamer moved the had not foresee the had not foresee.

There is no evidence whatever that anything was done or occurred which he had not foreseen and planned, excepting the rupture of the artery, and the consequences which resulted from it. Did his death result 'from an accidental cause.'' Various definitions of the word "accident" are quoted by the appallant. The ordinary and

dental cause." Various definitions of the word "accident" are quoted by the appellants. The ordinary and popular meaning of the word "accidental" is said to be "happening by chance unexpectedly taking place; not according to the usual course of things; or not as expected."

It is argued that the rupture of a blood vessel is not the usual result of an effort to close shutters; therefore when it occurs, it is unusual, unexpected, and an accident. While it may be true that an accident is an event which takes place without one's foresight or expectation, and is undesigned, it is not true that every unforeseen, undesigned and unexpected event is an "accident," within the ordinary and popular meaning of that term. For example, if a person having a diseased heart should take violent exercise voluntarily, and death should result, the cause would not be accidental. Although a result may be designed, foreseen or expected, yet, if it be the natural and direct effect of acts voluntarily assumed, it cannot be said to be accidental. The

COURT DECISIONS.

Notes of Cases Recently Decided, Which are of interest to Our Peeple,

DIGESTED BY W.B. MARTIN, (Exclusively for Virginian-Pilot.)

STRAUGHAN V. TYSOR.

Supreme Court of North Carolina, March 21, 1899.

DN THE PRINCIPLE THAT POSSESSION IS IMPLIED FROM TITLE, IN THE ABSENCE OF ANY ADVERSE CLAIM ONE IN POSSESSION OF LAND UNDER COLOR OF TITLE IS SEIZED AND POSSESSED THEREOF.

The acts appear from the opinion of the court. The court says:

The Court says:

The Modern Beanty.

Certificate in suit made the defendant liable if the death of Feder resulted from an accidental cause. The evid nee shows that the ruptured artery; but that was not accidental, if it was the natural result of an act voluntarily done by Feder. That he did anything but what he intended to do, in attempting to close the shutters, it is not shown nor claimed. It is not shown nor claimed. It is not shown nor claimed. It is not even shown that he made any unusual exertion in what he did. Had the artery been ruptured while the decedent was sitting quietly in his chair or while walking at a moderate pace, there would be no ground for claiming that the rupture was accidental sake leisurely, the rupture was accidental. So far as is shown, it may have been required to remain seated or to wank leisurely, the rupture was accidental. So far as is shown, it may have been required to remain seated or to would have authorized the jury to find that there was no evidence which would have authorized the jury to find that there was no evidence which would have authorized the jury to find that there was no evidence which would have authorized the jury to find that the rupture was accidental, which was the natural result of an act vol. In the cause was the natural result of an act vol. In the properties of the properties of the shouters, it is not shown nor claimed. It is not wont hat he made any unusual c

THE ORGANIZATION.

The association, which is doing much good to its members, was organized in January, 1899. It is ably officered as follows: President, Ben Wood; Vice President, James March; Treasurer, W. H. Jaques; Secretary, E. T. Thomas, It pays its members a weekly sick benefit of \$4 and provides \$40 for burial expenses. It meets on every Tuesday night at the city stables, and also holds quarterly meetings for the transaction of important business.

Steamers Same Changed. The name of the new Old Dominion

TERS OF A WINDOW, WHEN from "Western Shore" to "Mobjack," at the request of a large number of residents of Gloucester and Mathews coun-WHEN from "Western Shore" to "Mobjack," at

moved at once, as she is in the chan-nel. The Manhasset, it is said, will not pay for raising, but will have to be raised all the same, as she is a menace to navigation.



Heat Rash, inflammations, itching, fritations and chafings, undue or offensive perspiration, and many other sanative uses, nothing so cooling, purifying, and refreshing as a bath with CUTICUTA SOAP, followed in the severer forms by gentle anointings with CUTICUTA, the great skin cure and purest of emollients. CITICUTA SOAP is beyond all doubt the materfactive skin purifying and bentlying sope, well as the purest and aweeters for toilet, bath, and numery. Sold through out the world. Fortras Dates And Cuts. Core. Sole Props., Boston. "Mow to Have Breathing Skin, Isse.

COURTS YESTERDAY

A Technical Error in the Parker Indictment,

May Result in Giving Him Liberty—A Garnishee Can—An Indictment Garnishee Can—An Indictment Quashed—A North Carolina Convicted in the Indictment of George Parker, colored, may give him his liberty, although he has been tried and convicted in the Corporation Courfe Can Courte (Indict of Convicted in the Corporation Courfe Can). When the Judy Europe Can Courte (Indict of Convicted in the Marker Steeling). When the Judy Europe Can Courte (Indict of Convicted in the Marker Steeling). When the Judy Europe Can Courte (Indict of Convicted in the Marker Steeling). When the Judy Europe Can Courte Can Courte (Indict of Convicted in the Marker Steeling). When the Judy Europe Can Courte Can Court

A Case was decided by Judge Hanckel yesterday which, though it only involved the amount of \$14.40, occupied an entire day in the Corporation Court some time back.

The case was one in which the Norfolk and Carolina Railroad Company was garnisheed by Baker & Brown, merchants of North Carolina, to secure the payment of the above stated sum owed to the plaintiffs by Thomas Ruffin, an employe of the defendant company. The railroad company acknowledged indebtness to Ruffin, but objected to being garnisheed, setting up the plea of no jurisdiction, holding that the money was payable to Ruffin in North Carolina, where their main office is located. Their plea was overruled by Justice Ashburn and the case was taken on appeal to the Corporation Court, and yesterday Judge Hanckel rendered a decision sustaining the Justice's ruling.

· INDICTMENT QUASHED.

We are now at work making College and School Medals. We will save you money if your order is placed with us. THE GALE JEWELRY CO.

All in sight of monument. "Newest Discovery" extracts teeth painlessly. N. Y. Dental Rooms, Ennes only, 324 Main street, corner Talbot,

ERIEF ITEMS OF INTEREST.

united States grand jury adsort session, during which two other indictments were returned against Junk. Gann and Patrick Jonea, both of Norfolk, for selling liquor without a government license.

A HUNG JURY.

The case of the United States vs. Alfred E. Owen, alias Wm. B. Smith, occupied the whole of yesterday in the jurors having been out some time announced that they could not agree.

This is the case started in the United States Court Wednesday. Owen is charged with fraudulently obtaining and embezzling a leiter containing a set of the case yesterday, to which General Allen, the District Attorney, replied in two able arguments.

Pree Leasons in Needle Work.

At Miller, Rhoads & Co. The Misses Clark and Cassell, of Chicago, will start to-day (Fridey), at 10 a. m., and continue two weeks, giving lessons morning and afternoon, free of charge.

MILLER, RHOADS& CO.

We are now at work making College and School Medals. We will save you

Isane Bensley Arrested.

The police have succeeded in apprehending the negro who shot promiscuously in a house on Charles street a few nights since. The negro is Isaac Beasley, and he claims that he shot at a negro who came toward him with a pistol.

BRAMBLETON WARD.

The case of Dr. F. M. Morgan is set for a hearing in the Police Court to-day.

The tug John Taxis is having her smokestack repaired at Toms' Creek Coal Company's wharf.

The old ferry steamer Manhassett, which was cut loose from her moorings at Thomas' ship railway Monday night and sunk, after drifting out into the Southern Branch, still lies on the bottom of that stream.

The pupils of Misses Tucker and Blick's School will enjoy an outing at Lafayette Park to-day.

Captain James Stephens has issued invikations to the marriage of his daughter, Miss Carrie Dee Stephens, tio Mr. Alexander Stephen, Thursday, June 16th, at 7 a. m., at the First Presbylerian Church.

Rev. W. A Slaymaker, of Berkley, preached the baccalaureate sermon at Eton College, N. C., Wednesday afternoon.

Messrs, H. L. Page & Co. disposed of at private sale yesterday a lot on the Norfolk property, near Olney road, to Mr. C. P. Twiford, for \$1,440.

The office building of the Mayes Mannie Company has been removed from Granby street to a new location on Brooke avenue.

The willing for street to a new location on Brooke avenue.

until to-morrow the dury that ought to be done to-day. If your blood is impure and you feel weak and weary, take Hood's Sarsaparilia at once.

Hood's P'lls cure all liver ills. Mailed for 25 cents by C. I. Hood & Co., Lowell, Mass.

THE SAKS STORES



Ask any of the hundreds of men who have bought in either of our special sales .- the \$2.98 Pants or \$8.75 Suits---and they'll tell you they're regular Saks Suits and Pants---that means they're the best made.

And this is the last week --- the last chance you'll have.

\$2.98 for Pants that have been selling up to \$5.50. \$8.75 for Suits that have been selling up to \$20.

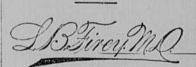
Nothing emphasizes the bargain stronger than the immense number of Pants and Suits that have been sold since the sale began.

SAKS & COMPANY

Pronounced Incurable By His Physician.

INDICTAIENT QUASHED.

On motion of Commonwealths Attorophysical Company of the Compan



the recent advance in the price of building materials and the brightening prospects for a profitable marketing of lumber, not only in this country, but abroad. North Carolina pine stands high in the markets and the demand for it now is brisk.

Decided Against the City.

the appointment of a new commission in the Lake Taylor condemnation pro-The North Carolina Pine Lumber Age sociation heid its regular monthly meeting yesterday at the Atlantic Hotel, Captain John L. Roper, president, of this city, president, of this city, president, of this city, president, of the city of

Cleveland Bicycles, 1899 Models \$40, \$50 and \$75. Westfield, (Clevelands),

These wheels need no introduction to you, you know they are all right. Visit our graphophone parlor and hear the latest Ed-

ison and Columbia records, all the new music, songs and talks. O'NEILL'S,

217 and over 219 Main Street.